

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Chandel Richard Hoffman,)	
Black Hills Holdings, LLC,)	C/A No. 2:20-cv-3904-SAL
)	
Plaintiffs,)	
)	
v.)	OPINION & ORDER
)	
American Express Company, Berkshire)	
Hathaway, Inc., The Vanguard Group, Inc.,)	
BlackRock, Inc., SSgA Funds Management)	
Co., LLP, Dodge & Cox,)	
)	
Defendants.)	
)	

This matter is before the Court for review of the February 3, 2021 Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III (the “Report”), made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.). [ECF No. 21.] In the Report, the Magistrate Judge recommends that Plaintiff Black Hills Holdings, LLC be terminated as a Plaintiff in this action and the Complaint deemed a nullity to the extent it pertains to the LLC. Further, the Magistrate Judge recommends that this court dismiss Defendants Berkshire Hathaway, Inc., The Vanguard Group, Inc., BlackRock, Inc., SSgA Funds Management, Inc., Wellington Management Co., LLP, and Dodge & Cox with prejudice and without issuance of service of process. By way of separate order, the Magistrate Judge authorized issuance of a summons on the remaining defendant, American Express Company. Attached to the Report was a Notice of Right to File Objections. *Id.* at p.7. No party filed objections to the Report, and the time for response has lapsed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this

court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 21, and incorporates the Report by reference herein. Accordingly, Plaintiff Black Hills Holdings, LLC is hereby **TERMINATED** as a Plaintiff in this action and the Complaint is hereby **STRICKEN** to the extent it seeks relief on behalf of the LLC. Further, Defendants Berkshire Hathaway, Inc., The Vanguard Group, Inc., BlackRock, Inc., SSgA Funds Management, Inc., Wellington Management Co., LLP, and Dodge & Cox are **DISMISSED with prejudice and without issuance of service of process**. The case proceeds as to Defendant American Express Company.

IT IS SO ORDERED.

/s/ Sherri A. Lydon
United States District Judge

March 23, 2021
Florence, South Carolina